detecting antibody is labeled with a detectable marker.--

--79. (New) The method of claim 78, wherein the detectable marker is a radioactive isotope, enzyme, dye, magnetic bead, or biotin.--

--80. (New) The method of claim 79, wherein the detectable marker is a radioactive isotope, and the radioactive isotope is I^{125}.--

REMARKS

Claims 1-5 and 58-66 are pending in the subject application. Applicants have hereinabove canceled claims 1-5 and 58-66 without disclaimer or prejudice to their right to pursue the subject matter of these claims in a later-filed application and added new claims 67-80. Support for these claims may be found inter alia in the specification as follows: claims 67-70: page 24, line 30 to page 25, line 23; page 26, line 15 to page 27, line 11; page 20, lines 15-20; page 21, lines 13-14; page 24, line 27; claims 71-74: page 27, lines 13-18; page 17, lines 25-32; claims 75-76: page 27, lines 16-18; claim 77: page 27, lines 20-21; claim 78-80: page 27, lines 27-32. This amendment does not involve any issue of new matter. Therefore, entry of this amendment is respectfully requested. Claims 67-89 do not involve any issue of new matter. Therefore, entry of this amendment is respectfully requested such that claims 67-80 will be pending.

Restriction under 35 U.S.C. §121

The Examiner required restriction to one of the following inventions under 35 U.S.C. §121:

I. Claims 1-5, drawn to a method/process of predicting

pregnancy outcome in a subject by determining the amount of an early pregnancy associated molecular isoform of hCG in a sample, classified in class 436, subclass 510.

II. Claims 58-66, drawn to a product/antibody and hybridoma cell, classified in class 530, subclass 300 and class 530, subclass 350.

The Examiner stated the inventions are distinct, each from the other because of the following reasons: Inventions II and I are related as product and process of use. The Examiner stated the inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). The Examiner stated in the instant case the inventions are patently distinct. The antibody of Group II can be used in a materially different process such as a reagent in hCG purification or production. The Examiner state further, the method of Group I can be useful with other suitable antibodies. The Examiner stated this fact is supported in the instant specification on page 81, lines 11-27. The Examiner stated both antibodies can be utilized in the method of Group I. The Examiner stated thus, the method can be practiced with another materially different product.

The Examiner stated because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for

examination purposes as indicated is proper. The Examiner stated please note that the classifications in the restriction are illustrative only and do not represent all the classes and subclasses which must be searched for each invention; nor is the search limited to issued US patents, but rather includes foreign patents and applications as well as literature searches.

In response to this restriction requirement, applicant's undersigned attorney, on behalf of applicant, hereby elects, with traverse, to prosecute the invention of claims 67-80, which recite a "method for detecting gestational trophoblast malignancy." Applicant maintains that claims 67-80 define a single inventive concept. Accordingly, applicant respectfully requests that claims 67-80 be examined on the merits.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invites the Examiner to telephone them at the number provided below.

No fee, other than the enclosed $1150.00 fee, which includes the $695.00 for a four month extension of time and $355.00 fee for additional claims, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

11/15/00
Date

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